

## MEETING MINUTES, BOARD OF ZONING APPEALS, JUNE 12, 2006

**Present:** Phil Tinkle, Shan Rutherford, Ken Knartzer, Janet Eades, Mike Campbell, Raynel Berry, Asst. City Attorney; Ed Ferguson, Planning Director; and Janice Nix, Recording Secretary

The meeting was called to order at 6:00 p.m. by Phil Tinkle, Chairman.

### PREVIOUS MINUTES

May 8<sup>th</sup> – Knartzer moved to approve the minutes, seconded by Rutherford. Vote for **approval** was unanimous, 5-0. **Motion carried.**

### NEW BUSINESS

**Docket V2006-06 – Dimensional Variance** – ABC Cellular, Inc. – located at 640 S. U.S. 31 – 2.5 acre lot zoned C-2 and currently used as a strip shopping center. Petitioner is requesting to erect an additional wall sign – petitioner is ABC Cellular; owner is Ohio Properties.

Jamie Ward came forward and was sworn. Variance request is to allow an additional wall sign that will face U.S. 31.

The statutory criteria was addressed as follows:

1. **Criteria:** The approval will not be injurious to the public health, safety, morals, and general welfare of the community; **Answer:** The second sign is approximately 53 sq. ft. in area and will be mounted flush on the east wall. The two wall signs combined total only 106 sq. ft., which is ½ of the 200 sq. ft. maximum allowed by the ordinance.
2. **Criteria:** The use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner. **Answer:** This is a small strip center facing a highway and a major thoroughfare. There is no apparent evidence that the granting of this variance will adversely impact the use or value of adjacent properties.
3. **Criteria:** The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. **Answer:** The Sprint store is on the corner at the east end of the building. The east wall faces U.S. 31. Without the second sign, traffic on U.S. 31 cannot identify the business that is on the eastern most side of the center.

Rutherford moved that we admit into the record all evidence presented in regard to this matter, including the notices, receipts, maps, photographs, written documents, Petitioner's application, Petitioner's Detailed Statement of Reasons, the Staff Report prepared by the Planning Department, certified copies of the Zoning Ordinance and Comprehensive Plan, testimony of the Petitioner, City planning staff and any Remonstrators, and all other exhibits presented, be they oral or written, for consideration by this Board in regard to this petition, seconded by Knartzer. Vote for **approval** was unanimous, 5-0. **Motion carried.**

Eades moved to approve V2006-06, subject to the following condition:

- 1) The sign on the east wall is limited to the size and character indicated on the exhibit submitted with the application.

Seconded by Rutherford. Vote for **approval** was unanimous, 5-0. **Motion carried.**

Knartzer moved that having considered the statutory criteria that we direct the City Attorney's Office to draft written Findings of Fact, regarding our decision approving Variance Petition Number V2006-06, said Findings to specifically incorporate the staff report and the evidence submitted into the record, for consideration and adoption by the Board of Zoning Appeals as our final decision and final action regarding this Petition at our next meeting, seconded by Campbell. Vote for **approval** was unanimous, 5-0. **Motion carried.**

**Docket V2006-07 – Dimensional Variance** – Architectural Walls – located at 816 N. Graham Rd. on the west side of the road – 1.24 acre lot zoned I-1 and currently used industrially. Petitioner is requesting to reduce the sideyard building setback from 45 ft. to 30 ft. and the rear setback from 30 ft. to 28 ft. – petitioner and owner is Architectural Walls, Inc.

Steve Hostettler came forward and was sworn. The variance request is to reduce setbacks on two sides of the building. A warehouse is being added to the business due to expansion.

The statutory criteria was addressed as follows:

1. **Criteria:** The approval will not be injurious to the public health, safety, morals, and general welfare of the community; **Answer:** The property adjacent to the south would be adjacent to the 30-foot side yard. That property is an electrical Substation operated by Hoosier Energy. South of the electric utility property is planned a large distribution center. Reducing the rear yard setback by only two feet will have no impact on the adjacent distribution center building. By removing the existing residence the total building located on the site will actually set farther from the road thoroughfare than as it currently exists.
2. **Criteria:** The use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner. **Answer:** The adjacent Lauth building is a multi-million dollar facility that is nearly 500,000 sq. ft. in area. The proposed new addition to the AWI building, in combination with demolition of the existing older home, will improve the value and appearance of the site, thereby having a positive effect on neighboring property values.
3. **Criteria:** The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. **Answer:** The City of Greenwood is in the process of acquiring public r-o-way across the frontage of this property and other adjacent properties for the widening of Graham Road to a 5-lane thoroughfare. The older farm house at the front of the property, which is currently used for the offices of AWI, will be demolished. Thus, the office space must be moved into the existing building. Additional production and warehouse space must also be provided by the additions to that building. That building was located so as to comply with the 90-foot front building setback. So to provide for the r-o-way expansion across the front and comply with the 90-foot front setback from that new r-o-way line creates a practical difficulty in locating the necessary addition to the building.

Rutherford moved that we admit into the record all evidence presented in regard to this matter, including the notices, receipts, maps, photographs, written documents, Petitioner's application, Petitioner's Detailed Statement of Reasons, the Staff Report prepared by the Planning Department, certified copies of the Zoning Ordinance and Comprehensive Plan, testimony of the Petitioner, City planning staff and any Remonstrators, and all other exhibits presented, be they oral or written, for consideration by this Board in regard to this petition, seconded by Eades. Vote for **approval** was unanimous, 5-0. **Motion carried.**

Knartzer moved to approve V2006-07, seconded by Campbell. Vote for **approval** was unanimous, 5-0. **Motion carried.**

Knartzer moved that having considered the statutory criteria that we direct the City Attorney's Office to draft written Findings of Fact, regarding our decision approving Variance Petition Number V2006-07, said Findings to specifically incorporate the staff report and the evidence submitted into the record, for consideration and adoption by the Board of Zoning Appeals as our final decision and final action regarding this Petition at our next meeting, seconded by Rutherford. Vote for **approval** was unanimous, 5-0. **Motion carried.**

**ANNOUNCEMENTS/REPORTS**

Knartzer moved to adjourn, seconded by Rutherford. Vote for **approval** was unanimous, 5-0. **Motion carried.** Meeting was adjourned at 5:25 p.m.

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JANICE NIX  
Recording Secretary

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PHIL TINKLE  
Chairman